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| 10/693,901 | 10/28/2003 | Yasuhiko Shiomi | 1232-4495US1 | 2644 |
| 27123 | 7590 | 04/02/2008 | | |
| MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | EXAMINER HERNANDEZ, NELSON D | |
| | | | ART UNIT 2622 | PAPER NUMBER |
| | | | NOTIFICATION DATE 04/02/2008 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Amendment

1. The reply filed on January 3, 2008 is not fully responsive to the prior Office Action because of the following omissions or matters:

MPEP 8.21 [R-3] recites:

Claims added by amendment following action by the examiner, MPEP § 818.01, § 818.02(a), to an invention other than previously claimed, should be treated as indicated by 37 CFR 1.145.

37 CFR 1.145. Subsequent presentation of claims for different invention.

If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in § 1.143 and 1.144.

Claims 24, 30 and 31 as currently amended are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In accordance with the Restriction Requirement made to the parent case **09/212,940** (now US Patent 6,650,361 B1) and mailed on September 30, 2002, **claims 24, 30 and 31** of the present Application as filed on August 19, 2004 were related to **Invention II** of the parent case. In the parent case, **Invention II** is related to an optical shifting arrangement where the data format is set in accordance with the detected state of the apparatus. **Claims 24, 30 and 31** as amended in the response filed on January 3, 2008 change the scope of the invention from setting the data format of the image and to

control supply of said image to a storage unit, into a different invention, where a controller controls the operation of a shift unit, shifting the plurality of images by a particular amount based on a detected characteristic of an object, identified as **Invention III** in the Restriction Requirement made to the parent case mailed on September 30, 2002. Since applicant has received an action on the merits for the originally presented invention (**Invention II** as identified in the parent case), this invention (**Invention II** as identified in the parent case) has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 24, 26, 30, 31, 35 and 36** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Thus after the election by original presentation (of **Invention II** as identified in the parent case), no remaining examinable claims are present in the application as now presented. Therefore, the Examiner understands that the amendments made to the claims in response to the Office Action mailed on October 5, 2007 are Non-Responsive.

Applicant is advised to revise the claims and to make changes in accordance with the originally presented invention (**Invention II** as identified in the parent case).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández
Examiner
Art Unit 2622

NDHH
March 27, 2008

/Nhan T. Tran/
Primary Examiner, Art Unit 2622